

REMARKS:

In the present amendment, new dependent claim 28 is added in order to more fully claim features of the invention. In order to clarify the support for new claim 28, the specification has been amended to include a more explicit description of the claimed functionality. Support for these amendments may be found in incorporated by reference Patent No. 5,713,856 at column 5, lines 20 - 47. Thus, no new matter is added by these amendments.

It is respectfully requested that the above-identified application be amended pursuant to 37 C.F.R. § 1.48(c) to name the correct inventors. The invention disclosed and claimed in the above-identified application pursuant to the Amendment being filed concurrently herewith was invented by Robert J. Duffy, Lon M. Severe, Edward M. Richards, Shawn W. Dekalb, James P. Stewart, and Timothy Vanderveen.

At the time the above-identified application was filed, Timothy Vanderveen was omitted without deceptive intention as a co-inventor of the invention disclosed but not claimed since the relevant subject matter was already disclosed and incorporated by reference in U.S. Patent No. 5,713,856. The addition of new claim 28 as presented herein necessitates the addition of an inventor, Timothy Vanderveen. Mr. Vanderveen is also named as an inventor on the incorporated patent.

In support of this Request and in accordance with 37 C.F.R. § 1.48(c), Applicants attach hereto:

Exhibit A: Statement By Inventor To Be Added Pursuant To 37 C.F.R. § 1.48(c)(2) executed by Timothy Vanderveen on August 11, 2003;

Exhibit B: Supplemental Declarations executed and dated as follows:

Robert J. Duffy., August 19, 2003
Lon M. Severe, August 9, 2003
Edward M. Richards, August 10, 2003
Shawn W. Dekalb, September 8, 2003
James P. Stewart, September 16, 2003
Timothy Vanderveen, August 11, 2003

Exhibit C: Consent By Assignee For correction of Inventorship Pursuant to 37 C.F.R. § 1.48(c)(5) executed on August 13, 2003 by Stuart Rickerson, Esq., General Counsel, Alaris Medical Systems, Inc.


CONCLUSION:

As claim 28 is a dependent claim, dependent upon previously allowed claims 19, 21 and 27, it is respectfully submitted that the application as a whole is now in form for allowance. Should the Examiner have any questions regarding the present amendment he is respectfully requested to contact the undersigned, Thomas D. Kohler, at 650-849-7706 to expedite allowance of the application.

Inventors Duffy, Robert J., Severe, Lon M., Richards, Edward M., Dekalb, Shawn W., and Stewart, James P. assigned their rights in related application 08/871,307 filed on June 6, 1997, now U.S. Patent No. 5,941,846, from which the present application is a continuation application to Alaris Medical Systems, Inc., as evidenced by Notice of Recordation of Assignment Document, Recordation Date, January 28, 1998, Reel No. 8988, Frame No. 0431. An Assignment from Timothy Vanderveen was executed on August 11, 2003 to Alaris Medical Systems, Inc. and is being submitted for recordation concurrently herewith. Accordingly, all right, title and interest in, to and under the subject application and invention reside in Alaris Medical Systems, Inc.

Based on the foregoing, it is respectfully requested that this Request be granted and that the subject application be amended to reflect the correct inventors. Pursuant to 37 C.F.R. § 1.48(c)(4) and 1.17(i), the fee in connection with the filing of this Request is estimated to be \$130.00. Please charge the required fee to Pennie & Edmonds LLP's Deposit Account No. 16-1150.

Respectfully submitted,



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32,797

(Reg. No.)

Date: September 19, 2003

Enclosures:

Exhibit A: Statement By Inventor To Be Added
Exhibit B: Supplemental Declarations
Exhibit C: Consent By Assignee